

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RELDA ANN MOSS,

Case No. 3:08-cv-393

Plaintiff,

-vs-

**District Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

FAIRBORN CITY SCHOOLS,

Defendant.

**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #12) IN ITS ENTIRETY
AND OVERRULING MOSS'S MOTION TO REMAND (Doc. #7)**

This matter is before the Court pursuant to Magistrate Judge Ovington's Report and Recommendations (doc. #12) regarding the Motion To Remand filed by pro se Plaintiff Relda Ann Moss ("Moss"). Moss's Complaint was originally filed in the Court of Common Pleas for Greene County, Ohio. Subsequently, Defendant Fairborn City Schools, properly identified as Fairborn City School District Board of Education (the "Board"), removed Moss's Complaint to this Court based upon this Court having federal question jurisdiction. Moss now seeks to remand her Complaint back to the Greene County Common Pleas Court.

The District Judge has made a de novo review of the record on this matter pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b). The record reviewed includes Moss's Objections to the Magistrate Judge's Report and Recommendations, the Board's Response to Moss's Objections and the additional documentation (doc. #15) submitted by Moss.

Upon consideration of the foregoing, the Court finds that Moss's Motion To Remand lacks merit. The Board effected removal of Moss's Complaint in a timely manner. Further, The Board properly removed Moss's Complaint under 28 U.S.C. §§ 1331 and 1441.

Moss has brought separate and independent causes of action. She has brought causes of action pursuant to Title VII of the Civil Rights Act of 1964, Amended Civil Rights Act of 1991, Title 42 of the United States Code, Section 2000e-3(a) and Ohio Revised Code (ORC) 4112.99. Further, one or more of Moss's causes of action, as pled, arises under the Constitution, treaties, or laws of the United States. Therefore, Moss's Complaint is removable under 28 U.S.C. §§ 1331 and 1441.

The Magistrate Judge's Report and Recommendations (doc. #12) is adopted in its entirety. Moss's Motion To Remand (doc. #7) is **OVERRULED**.

DONE and **ORDERED** in Dayton, Ohio, this Ninth day of January, 2009.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

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